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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

24

Application Number

10/763,498

Filing Date

01/22/04

First Named Inventor

Andrew R. Marks

Art Unit

1614

Examiner Name

to be assigned

Attorney Docket Number

5199-139

### ENCLOSURES (Check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
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| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                              |
|-------------------------|------------------------------|
| Firm or Individual name | Todd Holmbo, Reg. No. 42,665 |
| Signature               |                              |
| Date                    | 9/24/04                      |

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Andrew R. Marks, et al.,                      Docket No.: 5199-139  
Serial No.: 10/763,498                      Examiner: to be assigned  
Filed: January 22, 2004                      Group Art Unit: 1614  
Title: **NOVEL ANTI-ARRHYTHMIC AND HEART FAILURE DRUGS  
THAT TARGET THE LEAK IN THE RYANODINE RECEPTOR  
(RyR2)**

September 24, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97(b)**

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, applicant hereby notifies the U. S. Patent and Trademark Office of the following documents, which are listed on the attached PTO/SB/08A and PTO/SB/08B forms. The examiner may deem these documents to be relevant to patentability of the claims of the above-identified application. A Copy of the document is enclosed for the examiner's convenience.

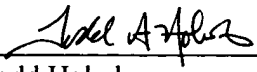
The submission of the listed documents is not intended as an admission that any of the documents constitute prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the examiner and be made of record in the present application and that initialed copies of forms PTO/SB/08A and PTO/SB/08B be returned in accordance with MPEP §609.

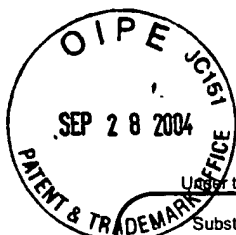
It is understood that no fee is necessary for submission of this Information Disclosure Statement, as it is being filed before the later of three months from the filing date or the mailing of the first Office Action on the merits.

The Commissioner is hereby authorized to charge payment of any fees associated with this application or credit any overpayment to Deposit Account No. 02-4270.

Respectfully submitted,

  
\_\_\_\_\_  
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Reg. No. 42,665  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/763,498      |
| Filing Date            | 01/22/04        |
| First Named Inventor   | Andrew R. Marks |
| Art Unit               | 1614            |
| Examiner Name          | to be assigned  |
| Attorney Docket Number | 5199-139        |

**U. S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       |                          | US- 6489125                              | 12-03-2002                     | Marks, et al.                                      |   |
|                       |                          | US- 5910494                              | 06-08-1999                     | Brieaddy   |   |
|                       |                          | US- 5859240                              | 01-12-1999                     | Brieaddy   |   |
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|                       |                          | US- 5580866                              | 12-03-1996                     | Housley, et al.                                    |   |
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|                       |                          | US-                                      |                                |  |   |
|                       |                          | US- 20030134331                          | 07-17-2003                     | Marks, et al.                                      |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US- 10/608,723                           | 03-11-2004                     | Marks  |   |
|                       |                          | US- 10/288,606                           | 07-17-2003                     | Marks, et al.                                      |   |
|                       |                          | US- 09/568,474                           | 03-11-2004                     | Marks  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
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**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
|                       |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
|                       |                          | WO03034980  | 05-01-2003                        | Picariello, T.,                                    | 113 of 4665 pages   |                |
|                       |                          | WO02053548  | 07-11-2002                        | Nagase T.,   |   |                |
|                       |                          | WO02051838  | 07-04-2002                        | Weller T.,   |   |                |
|                       |                          | WO02051232  | 07-04-2002                        | Sifferlen T.,                                      |   |                |
|                       |                          | WO0100185   | 01-04-2001                        | Kilpatrick C.,                                     |   |                |
|                       |                          | WO9703986   | 02-06-1997                        | Tanaka H.,   |   |                |

Examiner  
SignatureDate  
Considered

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/763,498      |
| Filing Date            | 01/22/04        |
| First Named Inventor   | Andrew R. Marks |
| Art Unit               | 1614            |
| Examiner Name          | to be assigned  |
| Attorney Docket Number | 5199-139        |

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| Sheet | 2 | of | 2 |
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## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS |                       |   |                                |   |   |                |
|--------------------------|-----------------------|---|--------------------------------|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                          |                       | WO9212148   | 07-23-1992                     | Kaneko N.,                                      |   |                |
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|                          |                       |   |                                |   |   |                |

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|   |   | Filing Date              | 01/22/04        |                        |          |
|   |   | First Named Inventor     | Andrew R. Marks |                        |          |
|   |   | Art Unit                 | 1614            |                        |          |
|   |   | Examiner Name            | to be assigned  |                        |          |
| Sheet   | 1 | of                       | 19              | Attorney Docket Number | 5199-139 |

| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials*           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                          | Alvarez et al., "Late post-myocardial infarction induces a tetrodotoxin-resistant Na (+) current in rat cardiomyocytes."  |                |
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|                                 |                          | a primary role of mechanical unloading underlying reverse remodeling."  |                |
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|-----------------------|--------------------|
| Examiner<br>Signature | Date<br>Considered |
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|  |       | Application Number              | 10/763,498      |
|  |       | Filing Date                     | 01/22/04        |
|  |       | First Named Inventor            | Andrew R. Marks |
|  |       | Art Unit                        | 1614            |
|  |       | Examiner Name                   | to be assigned  |
| Sheet 2  | of 19 | Attorney Docket Number 5199-139 |                 |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                       | Beuckelmann et al., "Intracellular calcium handling in isolated ventricular myocytes from patients with terminal heart failure."  |                |
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|                                 |                       | release channel (ryanodine receptor) function by FK506-binding protein."  |                |
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|                                 |                       | like domain."   |                |
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|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
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|   |       | Filing Date              | 01/22/04        |
|   |       | First Named Inventor     | Andrew R. Marks |
|   |       | Art Unit                 | 1614            |
|   |       | Examiner Name            | to be assigned  |
| Sheet 3   | of 19 | Attorney Docket Number   | 5199-139        |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
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| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
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|                                 |                       | Circulation, 96: 1542-1550, 1997  |                |

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(Use as many sheets as necessary)

**Complete if Known**

|                             |                             |                               |          |
|-----------------------------|-----------------------------|-------------------------------|----------|
| Sheet <b>4</b> of <b>19</b> | <b>Application Number</b>   | 10/763,498                    |          |
|                             | <b>Filing Date</b>          | 01/22/04                      |          |
|                             | <b>First Named Inventor</b> | Andrew R. Marks               |          |
|                             | <b>Art Unit</b>             | 1614                          |          |
|                             | <b>Examiner Name</b>        | to be assigned                |          |
|                             |                             | <b>Attorney Docket Number</b> | 5199-139 |

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|--------------------|-----------------------|---|----------------|
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|-------|---|----|----|------------------------|-----------------|
| Sheet | 5 | of | 19 | Application Number     | 10/763,498      |
|       |   |    |    | Filing Date            | 01/22/04        |
|       |   |    |    | First Named Inventor   | Andrew R. Marks |
|       |   |    |    | Art Unit               | 1614            |
|       |   |    |    | Examiner Name          | to be assigned  |
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|       |   |    |    | First Named Inventor   | Andrew R. Marks |
|       |   |    |    | Art Unit               | 1614            |
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| First Named Inventor   | Andrew R. Marks |
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|                             | <b>Filing Date</b>            | 01/22/04        |
|                             | <b>First Named Inventor</b>   | Andrew R. Marks |
|                             | <b>Art Unit</b>               | 1614            |
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| Sheet   | 9 | of                            | 19 |                 |

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|                    |                       | Kiriyama et al., "Effects of JTV-519, a novel anti-ischaemic drug, on the delayed rectifier K <sup>+</sup> current in guinea-pig ventricular myocytes."   |                |
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|   | <b>Filing Date</b>            |           | 01/22/04        |
|   | <b>First Named Inventor</b>   |           | Andrew R. Marks |
|   | <b>Art Unit</b>               |           | 1614            |
|   | <b>Examiner Name</b>          |           | to be assigned  |
|   | <b>Attorney Docket Number</b> |           | 5199-139        |
| <b>Sheet</b>  | 12                            | <b>of</b> | 19              |

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| Sheet | 13 | of | 19 | Application Number     | 10/763,498      |
|       |    |    |    | Filing Date            | 01/22/04        |
|       |    |    |    | First Named Inventor   | Andrew R. Marks |
|       |    |    |    | Art Unit               | 1614            |
|       |    |    |    | Examiner Name          | to be assigned  |
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| Sheet 15 of 19         | Application Number   | 10/763,498      |
|                        | Filing Date          | 01/22/04        |
|                        | First Named Inventor | Andrew R. Marks |
|                        | Art Unit             | 1614            |
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|   |                        | Application Number       | 10/763,498      |
|   |                        | Filing Date              | 01/22/04        |
|   |                        | First Named Inventor     | Andrew R. Marks |
|   |                        | Art Unit                 | 1614            |
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